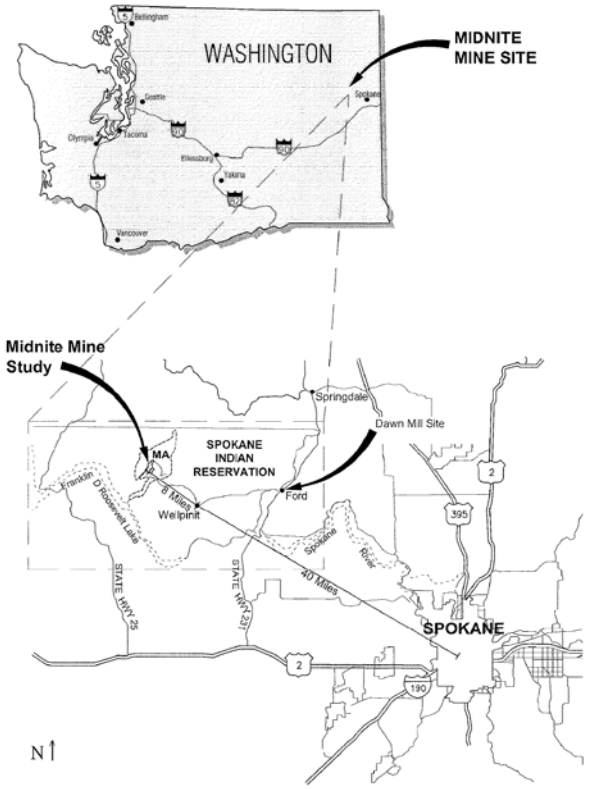
Midnite Mine Superfund Site, Wellpinit, WA

U.S. Environmental Protection Agency
Community Involvement Plan



Midnite Mine is an inactive, open-pit uranium mine on the Spokane Indian Reservation in Washington. It became a Superfund Site in 2000 when EPA added it to the National Priorities List. This plan identifies community concerns about the Midnite Mine Superfund Site and outlines opportunities for the community to become involved during the design phase and beyond.

Contents

Goals of EPA's Community Involvement Program

1. Provide opportunities for the public to become actively involved
2. Meet the community's information needs
3. Incorporate community input, knowledge, issues and concerns into cleanup decisions
4. Give feedback to the public on how their issues and concerns were incorporated into the cleanup work.

The purpose of the Community Involvement Plan

The purpose of the Community Involvement Plan is not to provide technical answers to the community's questions, but rather to show how, when and where EPA will provide information the public needs to understand our work, and to show how the community can be actively involved in the cleanup process.

EPA relies on the tools and techniques developed over the years, but has the flexibility to add site-specific activities as circumstances dictate. The official guidance for EPA's Community Involvement is available on the Internet at http://www.epa.gov/superfund/community/cag/pdfs/ci_handbook.pdf.

The CIP is a "living document," meaning that it will be modified as new information and issues develop over the course of the investigation and cleanup of the Site.

EPA understands that transparency in its cleanup process builds public confidence and encourages public participation. Frequent and informative communication and public education throughout the cleanup process should involve all stakeholders. Public education can be enhanced by the use of an independent technical advisor through grant programs (see below for more information).

We welcome suggestions from community members on how we can best keep you informed and involved.

Summary of Site History: From open-pit mining to mine closure, litigation to cleanup

Midnite Mine is an inactive open-pit uranium mine located on the Spokane Indian Reservation in Stevens County, Washington, about 8 miles northwest of Wellpinit. The mine was operated between 1954 and 1981 by the Dawn Mining Company on land leased from the Spokane Tribe and individual tribal members.

The mined area contains more than 33 million tons of waste rock, unprocessed and low-grade ore (also known as protore). It also includes two large open pits partially filled with water and several pits backfilled with waste rock. In addition to the mined area, the site includes mine-affected areas of sediment, surface water, soil and groundwater. Mine-affected surface water and groundwater enter Blue Creek and flow 3.5 miles along Blue Creek to the Spokane River.

Since mine closure, Dawn has been required to collect contaminated water flowing from the mined area. This water is pumped to the open pits for storage. An onsite treatment system has been used since 1992 to remove contamination from the water. The system works between the months of April and November. This treated water is then piped to a nearby surface drainage that leads to Blue Creek. Dawn takes the sludge from the water treatment process by truck to Dawn's mill in Ford, where they put it in a lined tailings disposal pond. While this effort to capture and treat the water has reduced the amount of contamination leaving the site in surface water, some contaminated groundwater emerges in the lower drainages which flow into Blue Creek.

In May 2000, due to elevated levels of metals and radionuclides at the site, EPA listed Midnite Mine on the Superfund National Priorities List of sites eligible for federal cleanup funds. EPA then began the Superfund cleanup process, which includes a large scale study of the problem and public comment on proposed cleanup options.

On September 29, 2006, EPA selected a cleanup plan in a Record of Decision, or ROD with concurrence from the Spokane Tribal Business Council.

In October 2008, Newmont USA Limited, Dawn Mining Company, and the United States were found liable for the costs associated with the contamination. While negotiating with EPA to settle their liability, Dawn and Newmont did the following work required under an Order issued by EPA in November 2008: water treatment and sludge management, site fencing, completion of interim mechanisms to reduce Blue Creek impacts, and data collection.

In September 2011, the mining companies and the United States signed a settlement agreement, which sets out requirements for design and implementation of the cleanup plan, as well as long term O&M. This agreement was finalized in January, 2012. Newmont and Dawn will do the design and construction, while the Department of Interior will pay a share of the costs. EPA will oversee the work, in consultation with the Spokane Tribe. Under a separate agreement with the Tribe, the mining companies will fund the Tribe's continued involvement in overseeing the work

Midnite Mine: The technical details

Contaminants

Past site investigations found that metals, including arsenic, cadmium, manganese, and uranium, and radioactive isotopes and decay products related to uranium, have migrated from open pits, ore/protore/waste rock piles into local groundwater and surface waters as a result of mining activities and environmental processes, such as acid mine drainage, radioactive decay, dust, and particle or dissolved contamination moving in surface water and groundwater.

EPA cleanup goals

The cleanup goals are to protect human health and the environment by:

- Preventing contact with mine waste;
- Reducing the amount of radon at the ground surface;
- Lowering the amount of radiation at the ground surface to natural levels;
- Preventing continued pollution of groundwater, surface water, sediments, and air; and
- Meeting cleanup standards for soil, sediments, surface water, and groundwater.

Cleanup Plan

- Mine waste (including waste rock and stockpiled ore) will be contained in the mine pits under a cover of soil and native plants.
- Water entering the pits will be removed and treated on site.
- Treated water will be discharged in the Spokane River Arm of Lake Roosevelt.
- Sludge, the waste resulting from the water treatment, will be taken offsite for disposal.
- Long term operations, maintenance, and monitoring of the site will be accounted for in the cleanup design.
- Land use will be restricted in areas where waste remains at the site.

Next Steps (and general timeframes)

1. Design the cleanup – engineering drawings and specifications. (Now)
2. Begin the cleanup. (approximately 2 years after design begins)
3. NPDES* Permitting. (Before construction of treatment system)
4. Long-term monitoring and maintenance. (Upon completion of construction)
5. Delete from list of Superfund Sites. (when nothing more is required to protect human health or the environment)

*As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

Communities and Resources Affected by Midnite Mine: Wellpinit and beyond

The Midnite Mine site is located on the Spokane Indian Reservation about eight miles from the town of Wellpinit, Spokane Tribal headquarters. Wellpinit is the cultural center of the reservation. Other communities on and near the Spokane Reservation include West End, Ford, Reardan, Fruitland, and Springdale. Another uranium mine, the inactive Sherwood Mine, is located about four miles south of Midnite Mine.

The reservation boundaries, established in an 1881 Executive Order by President Hayes, are: the 48th parallel on the north, the east bank of Chamokane Creek on the east, the south bank of the Spokane River on the south, and the west bank of the Columbia River on the west. The Spokane Indians are part of the Interior Salish group which has inhabited northeastern Washington, northern Idaho, and western Montana for centuries. For time immemorial, the Spokanes have lived along the Columbia River in three bands known as the Upper, Middle and Lower Spokane Indians. The Spokane Tribal Council serves as both the legislative and executive branches of the Tribe. The Council consists of a chairperson, a vice chairperson, a secretary, and two council members.

Members of the Spokane Tribe have a unique relationship with the land due to their subsistence lifestyle and cultural/spiritual practices, including hunting, fishing, gathering roots and berries, logging, sweatlodge and medicinal plant use.

Census data

The 2000 and 2010 census data show the resident population of the reservation to be 2,004 compared to 1,502 in 1990. In 2010, 73% percent of the population on the Spokane Indian Reservation was documented as American Indians, compared to 83% in 2000. The median (mid-range) age of the population is now 27, up from 22 in 2000. Median household income is $33,840 (which is up from $27,949 in 2000, but is well below the state-wide median income of more than $56,000). Unemployment rate is just over 12% and logging industry is no longer the primary employer. Public administration accounts for 26% of the jobs; with arts/entertainment/recreation employing 16% of the adult population, agriculture/forestry/fishing and hunting, 13%; construction 11%; teaching/educational services 11%; and other occupations for the remaining population. Most houses on the reservation rely on private sources of water, sewage disposal, and heat. In 2000, about 51% relied on water from private wells; 38% had access to a public water system or a private water company; and 11% obtained their water from other sources.

Land use

The primary land uses on the Spokane Indian Reservation are timber and multiple-use forestry, livestock grazing, and agriculture. Land use on the reservation also supports a traditional tribal lifestyle, including subsistence, cultural/spiritual, and medicinal activities. Each member of the tribe may hunt, fish, or gather anywhere on the reservation. Hunting and gathering are done to provide tribal members with a variety of aquatic and terrestrial plants and animals for subsistence, cultural, and medicinal purposes. During hunting, fishing, or gathering activities, tribal members may live off the land by consuming water (from seeps, springs, or streams), native plants, and animals. Some of these activities are conducted in areas on or near the Midnite Mine site.

Some areas on or near the site are also used by tribal members for conducting cultural/spiritual activities, such as sweat lodge ceremonies. Sweat lodges are constructed of natural materials (e.g., branches, moss, leaves) near a source of water (e.g., springs, seeps, or streams).

The Next Step: Community involvement during cleanup design

EPA's project team's role during the design and pre-construction planning is to continue to consult with the community, as well as discuss construction specifics that may impact them. These include design and environmental controls such as haul routes, work hours, community health and safety plan, and air, noise and dust monitoring.

The project team will maintain its dedication to completing the project with principles of environmental justice, sustainability and responsibility, as well as be engaged with the community, seeking out and facilitating input. They will communicate with the community about EPA decisions and the reasons for those decisions. In addition, they will provide opportunities for the public to have a voice in the cleanup.

We welcome suggestions from community members on how we can best keep you informed and involved.

EPA's focus for community involvement at this stage of the cleanup is to get information out so that the community has an opportunity to provide input before the cleanup design is finalized. On the following pages, we have listed the tools we generally use to exchange information and ideas between the community and EPA. We need your input on this. Do these tools meet your needs? If not, what can we add or delete from this list? For more information on some of the tools listed here, please see Appendix B.

Tool	EPA's Role	Community's Role	Tribe's Superfund Coordinator's Role
POINTS OF CONTACT	During regular Federal Government operating hours, one of the EPA contacts should be able to return your call within 24-48 business hours. If we are out of the office, we will update our outgoing voicemail message to let you know when you can expect us to return your call.	If you see something that concerns you or that you have a question about, please call Elly Hale, Caryn Sengupta, or Rochelle Labiosa (contact information in Appendix A). For **emergencies and other sudden threats** to public health, such as: • oil and/or chemical spills, • radiation emergencies, and • biological discharges, Call the EPA **National Response Center at 1-800-424-8802**.	The Superfund Coordinator can answer technical question about the cleanup and will announce technical meetings via email list.
TRIBAL COUNCIL UPDATES	EPA will ask the Superfund Coordinator to set up a briefing for the Council if we have some information we'd like to share. We plan to brief the Council in late March, 2012. EPA will request consultation with the tribe in accordance with our consultation policy.	If there is a topic you think EPA and the Tribal Council should discuss, please inform both the Tribe's Superfund Coordinator and EPA.	The Superfund Coordinator provides regular updates on technical issues to the Tribal Council.
FACT SHEETS	EPA will develop a fact sheet about: • The 30% design • The final cleanup plan	If there is a topic you would like to learn more about, please let us know.	The Superfund Coordinator should also identify topics that might be summarized in a fact sheet.

POSTCARDS	Given enough lead time (3 weeks), EPA will send out a post card to announce community meetings.		
TECHNICAL ASSISTANCE SERVICES FOR COMMUNITIES (TASC)	EPA has submitted a request for TASC assistance to be given to the Midnite Mine community.	The community will be asked to work with the TASC contractor to identify their specific technical assistance needs.	The Superfund Coordinator will stay apprised of correspondence between TASC, the community and EPA.
WEBSITE	EPA will post on the web: • New technical documents available for review • New fact sheets • Final technical documents • Meeting announcements	If there is something you'd like to see on the website, please let Caryn Sengupta know.	The Superfund Coordinator will suggest items for posting on the website.
FTP SITE	EPA will post additional site related documents on the FTP site such as: • meeting minutes • draft reports • progress reports	If there is a document you'd like to be able to access, please let Caryn Sengupta know.	The Superfund Coordinator will provide documents to EPA for posting on the FTP site.
MAILING LISTS	EPA will maintain a mailing list for people who are interested in the site but are not in the tribal database. EPA will maintain an e-mail list for electronic distribution of fact sheets, meeting notes, and periodic site updates.	If you would like to be added to the mailing and/or email lists, please let Caryn Sengupta know.	The Tribe keeps a database of tribal members and will provide EPA with labels for site-related mailings only.
VISIBLE SIGNS AND NOTICES AROUND THE SITE	EPA will post information about: • Site access • Hazards • Warnings	If you identify an area where you think a sign should be posted, please let us know.	The Superfund Coordinator will continue to work on posting warning signs for the mine drainages and Blue Creek by Spring,

			2012.
COMMUNITY MEETINGS	EPA will host a Community Meeting at the following points in the process: • The 30% design • The final cleanup plan EPA will post community meeting announcements via: • Tribal Administration building • Rawhide Press • EPA's website • Postcard (when possible)	If you would like to have EPA host a community meeting in addition to the ones listed, please let us know. If you would like to help get the word out about community meetings and/or have suggestions for places to place flyers and announcements, please let us know.	The Superfund Coordinator will pass along community/Council/Administration requests for a community meeting. The Superfund Coordinator will assist in finding an appropriate time and location for the meetings and will help publish them.
INFORMATION REPOSITORY	EPA will update the information repository listed below with copies (either electronic or paper) of major site documents, fact sheets and other relevant items as they are finalized. 1200 Sixth Avenue, Suite 900, 7th Floor Seattle, WA 98101 Hours: 8:30 - 4:30, M-F Call for an appointment: (206) 553-4494 or 1-800-424-4372 ext. 4494 EPA will continue to work to provide a laptop computer for the local Information Repository.	If you would like to learn more about the status of the Information Repository, want to comment on accessibility of the repository or the type/amount of information kept in the repository, please contact Caryn Sengupta.	The Superfund Coordinator will continue to work on helping EPA reestablish the local repository.
PRESS RELEASES	EPA will provide a press release to the Rawhide Press & the Spokane Spokesman Review after the final cleanup design is		

	complete.		
WORKSHOPS OR PRESENTATIONS	Upon request and dependent on available resources, EPA will provide a workshop or presentation on site related topics such as: • The design and cleanup process • Sampling techniques • Potential health and environmental risks	You may request a workshop or presentation from EPA for your group, class or institution.	
INFORMAL COMMENT PERIODS ON NEW TECHNICAL DOCUMENTS	EPA will provide the opportunity for the community to provide input on the: • Design Workplan • 30% design • 60% design • 90% design EPA will make every effort to provide at least 2 weeks for the community to review the documents. EPA will provide technical assistance to the community for the review of as many documents as possible. EPA will review and fully consider the comments they receive.	Examples of areas you might want to provide input on: • Construction impacts to air • Truck routing, dust mitigation • Contact with site o Dust reduction and response o Access controls and protocols information o Risk communication and signage for the site • Cultural and natural resources o Input on design to reduce impacts if in EPA's purview o Outside of EPA's purview, work with tribal government • Construction Hours • Truck traffic/safety • Jobs/Worker training (health and safety) If you identify other areas you	

		would like to provide input on, please let us know.	
CONGRESSIONAL OUTREACH	EPA will send our fact sheets to various elected federal officials in WA state.		
MEETING MINUTES	EPA will review and post meeting minutes on FTP site.	Community has the opportunity to review and comment on draft meeting minutes.	The Superfund Coordinator will comment on meeting minutes.
RAWHIDE ARTICLES	EPA will submit articles to the Rawhide press about site related items.		
BRIEF NATURAL RESOURCES DEPARTMENT		Community will let The Superfund Coordinator know if they feel that information is not being communicated to DNR and the Tribal Council.	The Superfund Coordinator will brief DNR and Tribal Council on Site related activities.
JOBS	Convene discussion with Tribal Enterprises, local contractors and others interested in discussing jobs. Look for funding and opportunity to initiate the Superfund Job Training Initiative (Super JTI) for the site approximately 6 months before construction is set to begin. For more information on the JTI program, visit: http://www.epa.gov/superfund/community/sfjti/		
TECHNICAL MEETINGS	Time will be offered either before, after, or both for community questions & concerns. EPA will be clear on the agenda,	Community members may choose to attend technical meetings.	

	and will report what was decided during the meeting and what the next steps are.		
HEALTH EDUCATION	If funds are available, EPA will create outreach, present at workshops, and/or provide technical assistance for education on topics such as: • Worker protection • Blue creek contamination • Radiation risks (especially for current and future employees and for first responders) Health information developed for the site will be discussed at scheduled community meetings and posted on the website.	The community will help identify opportunities for this type of outreach.	
REGULAR PHONE MEETINGS	EPA can schedule regular phone calls for the community to go over current status, questions, etc.	The community will help identify opportunities for this type of outreach.	

Appendix A: Superfund contacts

U.S. Environmental Protection Agency

Elly Hale
Project Manager
(206) 553-1215
hale.ellie@epa.gov

Rochelle Labiosa
Environmental Justice Specialist
(206) 553-1172
labiosa.rochelle@epa.gov

Caryn Sengupta
Community Involvement Coordinator
(206) 553-1275
sengupta.caryn@epa.gov

Jim Zokan
Tribal Liaison
(208) 378-5691
zokan.jim@epa.gov

Note: If you have a request for reasonable accommodation, please call Caryn Sengupta at (206) 553-1275 (toll-free: 1-800-424-4372). For TTY users: please call the Federal Relay Service at 1-800-877-8339 and give the operator Caryn Sengupta's phone number.

Health Related Questions

Ric Robinson
Agency for Toxic Substances and Disease Registry
(206) 553-5114

Spokane Tribe

Randy Connolly
Superfund Coordinator, Spokane Tribe
(509) 626-4425

BJ Kieffer
Director, Tribal Dept. of Natural Resources
(509) 626-4427

Greg Abrahamson
Chairman, Tribal Council (2010-2012)
(509) 258-4581
http://www.spokanetribe.com

Appendix B: Tools we use to inform and hear the community's voice

For a list of how we plan to use these tools during the design phase, please refer to the next section.

EPA Points of Contact

Whenever EPA begins work on a site, it identifies at least one point of contact for community questions, issues or concerns. Contacts for the site are listed in Appendix A.

Tribal Council Updates

EPA will periodically request to brief Tribal Council during their regular meeting time to keep them informed of site activities and status. This is different from Tribal Consultation, as described earlier.

Community Meetings

Community meetings help EPA understand community concerns and how residents would like to be involved, and they can be helpful in the design and cleanup process. We will hold community meetings as needed to present current information about work being done at Midnite Mine and hear your comments. Meetings will usually be held in Wellpinit. Meetings may be announced in several ways, including flyers, a mailing, a fact sheet, a news publication and/or via our email list. Announcements will also be posted at various locations, such as the Tribal Administration building and in post offices in Ford, Fruitland, and Wellpinit.

Fact Sheets

EPA uses fact sheets to provide site-related information to the community. They are short (2-4 page) documents, written in non-technical language, that are mailed directly to the tribal membership using address labels provided to us by the Tribe. Fact sheets are used to summarize larger, technical documents. They include EPA contact information and refer people to the internet and library for more technical information. EPA will create fact sheets as events dictate or in response to community requests for specific kinds of information.

Technical Assistance Services for Communities (TASC)

TASC is an EPA program that provides independent educational and technical assistance to communities facing Superfund cleanup. TASC offers technical assistance to help communities better understand and become involved in the cleanup process for hazardous waste sites. The TASC Web site: http://www.epa.gov/superfund/community/tasc/ provides information about the program's services, ongoing and completed projects, and contact information for communities interested in TASC program services. The Web site also provides a list of resources and answers to frequently asked questions.

Web Site

EPA has created a website to share information about the site. It includes copies of EPA's main investigation documents, proposed cleanup plans, and other documents as they are available. EPA will update the webpage on a regular basis. Please visit the website at: http://yosemite.epa.gov/R10/cleanup.nsf/sites/midnite and let us know if there is anything you'd like to see improved.

FTP Site

EPA will post additional site related documents on a publically accessible FTP site. These documents may include meeting minutes, draft reports, and progress reports, among others. To access the FTP site, type: ftp://ftp.epa.gov/reg10ftp/sites/midnitemine/ into a web browser address bar.

Mailing Lists

The Tribe keeps a database of tribal members and will provide EPA with labels for site-related mailings only. EPA also has a mailing list for the site for people who are not in the tribal database. EPA maintains an e-mail list for electronic distribution of fact sheets, meeting notes, and periodic site updates. To be added or deleted from the EPA mail or email lists, contact Caryn Sengupta (contact information below).

Information Repository

While EPA maintains a comprehensive project file in our Seattle office, key site information is made available to the community at an "information repository." The information repository contains hardcopies of major site documents, fact sheets and other relevant items. Electronic copies on compact disk are available for some documents as well. The repository at the Tribal community college was dismantled, but EPA is working with Randy Connolly and the new librarian to reestablish the repository. EPA will likely be able to provide a laptop computer for public review of documents in the repository. In the interim, please contact Caryn Sengupta (contact information below) for access to documents that are not online.

Documents used to make site decisions are available at:

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, 7th Floor
Seattle, WA 98101
Hours: 8:30 - 4:30, Monday through Friday
Call for an appointment: (206) 553-4494 or
Toll Free 1-800-424-4372 ext. 4494

The Spokane Tribe of Indians
Department of Natural Resources
Ford-Wellpinit Road
P. O. Box 100
Wellpinit, WA 99040
Contact: Randy Connolly: (509) 626-4425

Workshops or Presentations

Tribal Council, residents or educators may request a workshop or presentation from EPA for their groups, classes or institutions. Some example topics: The Design and Cleanup Process, Sampling Techniques, Potential Health and Environmental Risks Associated with the Site. If you'd like to have someone give a workshop with or presentation for your group, please contact Caryn Sengupta (contact information below).

Visible signs and notices around the site

The fenced part of the site is posted with warning signs. The Tribe had signs made to redirect people to other roads that cross the ridge to Sand Creek, a popular hunting area, but they need to be replaced as of fall 2011. Warning signs for the mine drainages and Blue Creek should be posted by Spring, 2012. The Tribe's Superfund coordinator is the point of contact for signs.

Technical Documents

Many communities facing a Superfund cleanup have expressed environmental and health concerns. They want to know if the air, soil, surface water and/or groundwater are contaminated and how EPA plans to address those areas through cleanup. The answers to those many of those questions will be in the technical documents that EPA will and has produced as part of its investigation and cleanup. See Appendix B for a listing and short description of those documents that have been or will be developed over the course of the Superfund cleanup process.

Formal and Informal Comment Periods

EPA was required by law to hold public comment periods for certain documents during the development of the Record of Decision. In the Design phase, comment periods are not required, however, EPA welcomes input from the community on technical documents at major decision points, such as the 30% design of the remedy. These documents will be posted on our website. EPA is providing grant support for technical assistance to the community to assist in the interpretation of the documents and working with the community to develop processes for giving and receiving input. Please contact Caryn Sengupta (contact information below) with questions or inquiries.

Press Releases

EPA will provide press releases to the Rawhide Press & the Spokane Spokesman Review at major site milestones.

Governmental Outreach

EPA will send our fact sheets to governmental officials, including:

- Randy Abrahamson, Chairman
- Senator Maria Cantwell
- Senator Patty Murray
- Representative Cathy McMorris Rodgers

Appendix C: Environmental Justice – Fair treatment and meaningful involvement

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Income and employment levels, baseline health concerns, and subsistence activities, among others, lead EPA to consider environmental justice concerns when planning outreach and cleanup around the site.

EPA will take the following disproportionate adverse impacts into consideration when making decisions about the cleanup:

- Community health and safety issues including traffic or truck routing patterns and concerns
- Air impacts including cumulative health risks and burdens
- Waste containment and future uses of the site
- Water impacts
- Subsistence foods
- Cultural traditions and resources

Cleanup design and construction documents and discussions can be highly technical. We will meaningfully involve the community when we communicate information to the community, we will strive to make it understandable and accessible to all, regardless of race, color, origin, income, culture, and degree of English proficiency. A strong effort to acknowledge and respect the many ways people present, provide, discuss and receive information will be undertaken and addressed.

Resources available to help communities address environmental justice issues include:

- Grants and contract funds for technical support and facilitation
- Training – environmental justice policies, SUPERJTI, the Superfund Jobs Training Initiative, grants training

Other efforts in achieving environmental justice may include, but are not limited to:

- The sharing of materials with appropriate communication sources (list serve, website, newspaper, local businesses, etc.);
- Ensuring key community leaders are debriefed on project details and upcoming events so that they may be an information source for the community; and
- Appropriate outreach at local community gatherings and events, which will be coordinated with the Tribe, via Tribal Department of Natural Resources.

The specific interests and values of the community will influence the weight of certain project issues and inform the focus of the outreach and input process. For example, if the community expresses concern about safety, the project team will pay particular attention to construction/site standards, speed limits and health concerns.

Appendix D: Tribal Consultation – Coordination with the Spokane Tribe of Indians

EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests. Consultation is a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes. As a process, consultation includes several methods of interaction that may occur at different levels. For more information, see the new EPA Policy on Consultation and Coordination with Indian Tribes (May, 2011), which is posted at: http://www.epa.gov/tribal/pdf/cons-and-coord-with-indian-tribes-policy.pdf. EPA Region 10's working definition of Tribal Consultation is posted at: http://yosemite.epa.gov/R10/TRIBAL.NSF/Programs/Consultation.

Consultation should occur early enough to allow tribes the opportunity to provide meaningful input that can be considered prior to EPA deciding whether, how, or when to act on the matter under consideration. As proposals and options are developed, consultation and coordination should be continued, to ensure that the overall range of options and decisions is shared and deliberated by all concerned parties, including additions or amendments that occur later in the process.

Region 10 has a Senior Tribal Policy Advisor, Jim Woods, who is a member of the Makah Indian Nation. Jim has an extensive background in tribal natural resource policy. Jim is a close advisor to the Regional Administrator, Deputy Regional Administrator and Executive Team.

Activities taken to date:

- EPA has consulted with the Tribal government at key points of the study phase and during litigation and negotiations with the mining company. EPA will continue consultation throughout the cleanup process.
- EPA representatives coordinate with the Spokane Tribe's Department of Natural Resources and the designated Superfund Coordinator, Randy Connolly, whose position is funded by EPA. In turn, Randy coordinates document reviews and serves as a point of contact for EPA on day-to-day communications and as the overall tribal representative for the project. EPA relies on Randy to relay information to other Tribal officials and the Tribal government.
- Technical documents, such as plans, reports, and related correspondence, are provided to the Tribal Superfund Coordinator for review prior to being finalized.
- The EPA Project Manager and Community Involvement Coordinator coordinate as needed with EPA's Tribal Liaison, Jim Zokan, with project managers for other sites that affect the Spokane Tribe, and with other EPA staff managing grants to the Spokane Tribe.

Appendix E: General overview of the Superfund cleanup program

The following is a general listing of the many steps in EPA's cleanup process. As of January 2011, Midnite Mine Superfund site is at the beginning of the Remedial Design phase, so Step 7 will be the next step, once design documents are prepared. Design deliverables are to be submitted to EPA by the contractor at the 30%, 60%, 90% and 100% stages of completion.

1. Site Discovery
The first step in the Superfund process is called Site Discovery. This term applies to all of the different ways that EPA becomes aware of the need to consider a site for cleanup. Sometimes the notification comes from the general public, sometimes from a State that has been working on the site, and sometimes other sources, such as the media, bring the site to EPA's attention.

2. Preliminary Assessment/Site Investigation (PA/SI)
Following Site Discovery, EPA reviews any existing information, including prior sampling results, in a step called the Preliminary Assessment. This is followed by various activities such as a site visit or additional sampling, which are called the Site Investigation. Together these are called the Preliminary Assessment/Site Investigation or PA/SI.

3. National Priorities List (NPL) Process
If the information warrants it, EPA then goes through the National Priorities Listing (NPL) process, which requires an analysis of the types of known or suspected contaminants and their location next to people or the environment, to determine the potential for harm. The analysis document, the NPL Scoring Package, becomes the basis for approaching a State's Governor to request the State's agreement for proposing that the site be added to the National Superfund List.

4. Remedial Investigation (RI)
Following NPL listing, EPA designs a thorough investigation of the site, characterizing both the lateral extent of contamination (the area affected and to what depth), and the types and concentrations of contaminants. This usually involves a significant air, soil, surface water and/or groundwater sampling process and often times multiple sampling events that can take many years. During this time, the site's Community Involvement Coordinator conducts stakeholder interviews to help understand the unique issues and concerns. This information rolls into a Community Involvement Plan (CIP) which organizes EPA's public participation effort. The CIP includes a general cleanup timetable, a list of activities to involve the public, and contact information. Some times at the conclusion of the RI, EPA issues a fact sheet that summarizes the findings. The RI is placed in the Information Repository (usually at a library) and some portions are placed on the internet.

5. Feasibility Study (FS)
Once the contamination has been identified, EPA develops a list of possible ways to address it. The tools, techniques and process are organized into alternatives, often with multiple elements, that are evaluated using a number of criteria, including protectiveness of human health and the environment, ease of implementation, cost, and time to reach cleanup goals. Sometimes certain elements are tested at a reduced scale in the laboratory or in the field. These are called treatability studies. Their results help EPA decide which alternatives should be considered and offered to the public for their comments. The

Feasibility Study is available in the Information Repository and on the Internet. The RI and FS are often spoken of in combination because they are often part of the same scope of work, so they are often noted as the RI/FS process.

6. Proposed Plan (PP)
A Proposed Plan is a 10-20 page document written for the public and distributed principally through EPA's mailing list. It announces a formal 30-day comment period (minimum), summarizes the findings of RI/FS, compares various ways to address site contaminants, identifies EPA's preferred alternative, and explains how to provide public comments.

7. Remedial Design (RD)
Remedial Design is the development of engineering drawings and specifications for a site cleanup. This phase follows the remedial investigation/feasibility study. A fact sheet is distributed when the design work is at 60% complete.

8. Remedial Action (RA)
Remedial Action is the actual building of treatment facilities, removal of waste piles, containment of contamination, implementation of institutional controls or any other aspect that completes the cleanup decision. This phase includes the testing and certifying of any facilities that are put into operation.

9. Five Year Review
This is an analysis prepared every five years to determine if site remedies remain protective of human health and the environment. Prior to the Five Year Review process beginning, the community is notified and asked to provide any information is has about the operations of the remedy as it currently stands, or any issues and concerns that have arisen regarding the remedy. When the Five Year Review report is complete, the community is notified of the results.

10. Delisting
When a site has met its cleanup objectives, it can be removed from the National Priorities List (NPL or the Superfund List). When removal from the NPL, the public is notified and a comment period is held.

Two other steps in the site's cleanup process might occur.

1. Interim Actions
An interim action is any short-term, temporary or preliminary construction or activity that addresses contamination before a final cleanup decision is made. The choosing of an interim action often results in a public participation process similar to the Proposed Plan process that leads to a Record of Decision.

2. ROD Amendment/Explanation of Significant Differences
If a final remedy needs to be changed after a Record of Decision has been made, the public is notified and a process similar to the Proposed Plan process leading up to a Record of Decision might ensue. This depends on the nature and extent of the proposed changes.

Appendix F: Excerpt from Public Health Assessment

In 2010, Agency for Toxic Substances and Disease Registry published a public health assessment (PHA) that evaluated potential health hazards associated with exposures to environmental contaminants from the Midnite Mine site.

What is ATSDR?
The Agency for Toxic Substances and Disease Registry is the federal public health agency whose mission is to prevent adverse human health effects that result from hazardous waste exposure. The agency conducts assessments or evaluations to determine whether communities have been exposed to hazardous waste and then provides health information to prevent harmful exposures and related diseases.

What is environmental exposure?
Environmental exposure occurs when you contact a chemical substance or radioactive material in your environment. This could be where you work, live, and/or play. For chemical exposure to occur you must come in contact with the substance or material and it must enter or touch your body. Exposure to radioactive material can occur these ways too, or it can enter your body if you are close to it.

Excerpt from ATSDR's Public Health Assessment
"In preparing this PHA, ATSDR gathered and reviewed numerous reports, studies and sampling data collected by various parties, including EPA's contractors for the Midnite Mine Remedial Investigation/Feasibility Study (RI/FS), and, Expanded Site Investigation, by other federal governmental agencies, and by a contractor for Dawn Mining Company (DMC)

ATSDR's public health conclusions about potential exposures to environmental contaminants at the Midnite Mine site are as follows:

- Exposure to site contaminants (metals or radionuclides) is a public health hazard for individuals who use the mining-affected area for traditional and subsistence activities. This category indicates that long-term exposure to site contaminants could cause harmful health effects. The specific activities associated with these exposures are as follows:
  - drinking water from drainages and seeps in the mining-affected areas;
  - breathing water vapor generated by heating water from drainages and seeps during sweat lodge ceremonies;
  - accidentally ingesting sediments along seeps and drainages in the mining-affected area;
  - eating terrestrial plants and roots in mining-affected area
  - eating aquatic plants from drainages in the mining-affected area or from Blue Creek;
  - eating fish from Blue Creek
- Exposure to site contaminants is not an apparent public health hazard for individuals who visit the mining-affected area (including Blue Creek), but do not conduct traditional or subsistence activities. This category indicates that human exposure might be occurring, but the exposure is not expected to cause any harmful health effects.

- Exposure to physical hazards and site contaminants in plants, water, and surface materials in the mined area is currently not an apparent public health hazard because the mined area is completely fenced and access is restricted.
- Exposure to site contaminants from eating meat or organs (e.g., liver, kidneys) from big game (e.g., deer, elk) that graze, forage, or live in the mined or mining-affected area is an indeterminate public health hazard because data (i.e., contaminant concentrations in game meat or organs) are not available to evaluate those potential exposures.
- Exposure in the future to contaminated groundwater from private drinking water wells and to radon in indoor air is an indeterminate public health hazard because it is not known if residences will be built in the mining-affected area or if such residences would use private wells as a source of drinking water.
- The remedy selected by EPA in its Record of Decision (ROD) for remediating the Midnite Mine site is protective of public health. The selected remedy includes excavation and consolidation of mine wastes in the mined area; collection and treatment of contaminated mine seeps; institutional controls and access restrictions; and measures (such as signs and advisories) to minimize potential exposures to contaminants in groundwater, surface water, sediment, plants, and wild game, until cleanup levels are achieved.

Based on those conclusions, ATSDR made the following public health recommendations:

- Ensure that warning signs are posted and clearly visible at each of the gates to the mined area.
- Continue to restrict access to the mined area and maintain fencing until clean up of the mined area has been completed.
- Continue interim measures to reduce contaminant releases from the mined area to nearby surface waters, including Blue Creek (e.g., controlling water levels in the open mine pits, capturing contaminated seeps, operating the water treatment plant).
- Implement institutional controls to prevent use of groundwater in the mining-affected area until established cleanup levels are met.
- Reduce potential exposures to site contaminants in surface waters, sediments, fish, plants, and big game by installing signs or issuing notices advising tribal members not to
    - use water from seeps, drainages, or Blue Creek for drinking or sweat lodge ceremonies;
    - gather plants in or along mine drainages and Blue Creek in the mining-affected area;
    - consume fish from Blue Creek;
    - eat the organs, especially the liver and kidneys, from deer, elk, or other big game harvested in or near the Blue Creek drainage area.
- Sample plants in the mining-affected area that are commonly used by tribal members for subsistence, medicinal, religious, or other traditional purposes, and analyze the samples for metals and radionuclides.
- Collect tissue samples from fish in Blue Creek and analyze the samples for metals and radionuclides.
- Conduct a study of contaminants in meat and organs (e.g., liver, kidneys) of big game (e.g., deer, elk) that live or forage in the Blue Creek drainage area.
- Conduct appropriate health education activities to increase public awareness of potential exposures to environmental contaminants from the site and of ways to reduce or prevent such exposures. “

Appendix G: Past community involvement for Midnite Mine

EPA staff have met and talked, at meetings and informally, with members of the community during the study and decision phase. Input EPA received between 1999 and 2003 are listed in an earlier version of this plan, which is now stored at http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/midnite. The ROD includes a summary of public comments and EPA responses to the comments.

Questions, concerns and issues relating to the Midnite Mine Superfund Site have fallen into several categories:

- EPA's relationship with the community
- The Tribe's cultural relationship to land and resources
- Health concerns – cancer risk, indoor air, food/water consumption and direct contact with water or dust/dirt
- Cleanup: methods, timing, adequacy
- The need for jobs and job training
- Worker health and safety
- Psychological impacts in community
- Safety of food supply
- Access to the site
- Construction materials
- How decisions will be made in site design and how community can provide input
- Future uses of the site

Past community involvement activities:

- April 1998: fact sheet distributed
- February 1999: A 60-day public comment period was held following the proposal to add the Midnite Mine site to EPA's National Priorities List.
- March 1999: EPA representatives met with members of the Tribal Council to discuss the site and interview them for the Community Involvement Plan. Their comments were included in the Appendix of the CIP.
- July 1999: The Tribe hosted a meeting for EPA to talk with Tribal members and conduct community interviews. Concerns expressed during the July meeting were outlined in the Appendix to the Community Involvement Plan.
- July 1999: fact sheet distributed
- August 1999: Notices were posted to announce an upcoming EPA roadside radiation scan.
- October 1999: fact sheet distributed

- January 2001: public informational meeting held in Wellpinit
- June 2001: fact sheet distributed
- June 2001: Customer Feedback surveys were sent to the entire mailing list. Nineteen of these forms were returned to EPA, which helped us see what was working and what could be improved or changed in our fact sheets. A summary of comments are listed in the 2001 CIP.
- October 2001: fact sheet distributed
- October 2001: public informational meeting held in Wellpinit
- December 2001: EPA finalized community involvement plan.

- Summer 2002: EPA worked with the Tribe to set up a Midnite Mine educational kiosk at the Tribal Center. It included: a large photograph and map of the mine; a health-risk graphic; contacts; general background information about the mine; cleanup steps; tips on how to get involved; a place for current fact sheets and other site-related information.
- October 2002: fact sheet distributed
- October 2002: EPA mailed a survey to the Spokane Tribe mailing list asking about site-related health concerns. The survey was enclosed with a fact sheet. EPA's purpose was to get ideas to help us improve our outreach efforts. We received 44 responses and compiled the results. A summary is provided in the 2003 CIP.
- November 2002: public informational meeting held in Wellpinit

- March 2003: To address the concerns heard in the 2002 survey, EPA sent a list of potential outreach recommendations to the Spokane Tribe for comment.
- In April 2003, EPA staffed an informational booth at the Wellpinit School Annual Health Fair. Many people stopped by to talk with us and pick up materials.
- June 2003: A postcard was mailed to announce a public informational meeting.
- June 2003: public informational meeting. EPA provided the survey results and outreach recommendations. These are also posted on the EPA Midnite Mine web site.
- Summer 2003: 30-day public comment period to gather comments on a proposal to remove radioactive roadside ore at Midnite Mine. An announcement of the public comment period was published in the Rawhide Press and sent to EPA's Midnite Mine mailing list. We also announced the comment period at the June 17, 2003 public informational meeting, and mailed a postcard announcement to EPA's mailing list.
- 2003: Community involvement plan (CIP) updated

2005 Remedial Investigation/Feasibility Study

- Written site updates issued at least annually (twice yearly for the first several years),
- Public meetings were held in Wellpinit with a similar frequency.
- Key reports were made available to the public, at EPA and the Spokane Tribe Department of Natural Resources.
- EPA published information about the RI/FS in the Rawhide Press

- EPA staff made educational visits to classrooms and held meetings with community members and groups interested in the Site.
- EPA staff participated in a health fair attended by students, teachers, parents, and others. EPA staff also presented information at several meetings of the Sovereignty Health Air Water Land (SHAWL) Society and Community Uranium/Radiation Education (CURE) community groups.
- Through the EPA-funded program for Technical Outreach Services for Native American Communities (TOSNAC), the community groups had access to technical support for reviewing and interpreting technical documents.

Proposed Plan and Administrative Record (2005)

October 3, 2005: A notice of the availability of the Proposed Plan and Administrative Record was published in the Spokesman Review and a complete copy of the Administrative Record was placed in the information repository at the Spokane Tribal College and Community Library on the Spokane Reservation in Wellpinit. A copy was also made available at the Superfund Records Center in the EPA Region 10 office in Seattle.

EPA provided an initial 30-day comment period on the Proposed Plan. An extension to the public comment period was requested. In response, EPA extended the comment period by 30 days, to December 7, 2005. On November 2, 2005, several individuals and groups requested additional time for comment, and EPA further extended the comment period to January 18, 2006. Including extensions, the public comment period totaled 105 days.

Public meetings related to the Proposed Plan were held on October 19, 2005, November 2, 2005, and January 18, 2006. At the first meeting, EPA presented the Proposed Plan and informally answered community questions. The latter two meetings were formal hearings, with comments recorded by a court reporter for consideration by EPA. EPA's response to comments received during the public comment period is included in the Responsiveness Summary, which is part of the Record of Decision.

The Selected Remedy in this Record of Decision is based on the Administrative Record for the Midnite Mine Site. The Administrative Record file includes the Proposed Plan, comments and transcripts from formal public hearings, key reports and studies, correspondence, and guidance documents used to support the selection of a response action at the Site, and the Record of Decision.
September 29, 2006: final cleanup plan (Record of Decision, or ROD) for the site was issued.

Litigation

2005 - 2008 - Litigation with the mining companies and the Tribal Government. During this time period, EPA's Remedial Project Manager communicated directly with community members via email and school presentations.

2008 – 2010 - Under the EPA order of November 2008, the mining companies upgraded existing seep capture and surface water controls and added some wells to improve groundwater capture, and began pre-design investigations to refine waste

rock volumes, pit capacities, sources of material for use in the cover and drainage layer, and siting for water storage and a new water treatment plant. They worked on land use and technical issues related to a pipeline for treated water to go to the Spokane Arm for discharge. They tested the ion exchange method of removing uranium before creation of the sludge, to change the waste characteristics of the sludge and lower disposal costs.

May 2009 – September 2011: Negotiation of a legal document (Consent Decree) for the completion of the design work, cleanup, and long-term operation and maintenance.

September 2011: Consent decree filed in U.S. District Court – subject to a 30-day public comment period and subsequent approval by the federal court.

Remedial Design

January 2012: Consent decree signed by federal Judge: beginning the Remedial Design phase. Press release issued.

Other Activities

- Ongoing: The EPA Midnite Mine Web page is updated regularly with current site documents and contacts.
- September 2011: Information about a non-Superfund study of radiation on the Reservation conducted upon the Tribal Government's request was posted to EPA's website and distributed via flyer. Results from the study were posted on EPA's FTP site in February 2012.
- May 2010: EPA and ATSDR staffed an informational booth at the Wellpinit School Annual Health Fair.
- April 2011: EPA visited middle school science class to discuss Midnite Mine.
- November 2011: EPA visited elementary and middle school science classes to discuss Midnite Mine.
- February 2012: Community meeting held in Wellpinit, facilitated by an external facilitator.